



# TRANSMITTAL FORM

Application Serial Number	10/022,689
Filing Date	December 17, 2001
First Named Inventor	Eugene A. Fitzgerald
Group Art Unit	2813
Examiner Name	Laura M. Schillinger
Attorney Docket No.	ASC-023DVC2
Patent No.	Not applicable
Issue Date	Not applicable

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form <input type="checkbox"/> Amendment/Response <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____] <input checked="" type="checkbox"/> Petition for Extension of Time <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Copies of IDS Citations <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application <input type="checkbox"/> Formal Drawing(s) <input type="checkbox"/> Request For Continued Examination (RCE) Transmittal <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> CD(s) for large table or computer program <input type="checkbox"/> Amendment After Allowance <input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences <input type="checkbox"/> Appeal Brief (in triplicate) <input type="checkbox"/> Status Inquiry <input checked="" type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8 <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8 <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below) <input checked="" type="checkbox"/> Request for Reconsideration of Amendment Non-Entry and Conditional Request for Continued Examination
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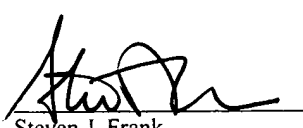
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### SIGNATURE BLOCK

Respectfully submitted,

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RCE  
2813PATENT  
Attorney Docket No. ASC-023DVC2**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S): Eugene A. Fitzgerald  
SERIAL NO.: 10/022,689 GROUP NO.: 2813  
FILING DATE: December 17, 2001 EXAMINER: Laura M. Schillinger  
TITLE: CONTROLLING THREADING DISLOCATION DENSITIES IN Ge  
ON Si USING GRADED GeSi LAYERS AND PLANARIZATION

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Washington, D.C. 20231

**REQUEST FOR RECONSIDERATION OF AMENDMENT NON-ENTRY  
AND CONDITIONAL REQUEST FOR CONTINUED EXAMINATION**

In response to the final Office Action mailed on October 31, 2003, we submitted an amendment to the Office on December 2, 2003. The amendment followed an interview with the Examiner on November 24, 2003, and incorporates the suggestion made by the Examiner during that interview. The amendment made no substantive change to the claims; it merely clarified the order of steps in claim 35.

Under these circumstances, we respectfully question the Examiner's refusal to enter the amendment and consider it on the basis of the art of record. A new search is not required because nothing of substance was added to the claims. Accordingly, we respectfully request reconsideration of the Examiner's refusal to enter the amendment.

In order to minimize late fees, the Examiner is authorized to treat this paper as a request for continued examination, and to enter the December 2, 2003 amendment pursuant thereto, if she maintains her refusal to enter the amendment as filed in response


to the October 31, 2003 Office Action (or if, having been entered, the amendment is not deemed to place the application in condition for allowance). As noted in the amendment, we await receipt of initialed copies of the Forms 1449 that accompanied the Information Disclosure Statements filed on December 17, 2001, August 13, 2003, and August 21, 2003.

This paper is submitted with a petition to extend time for one month, since the amendment was submitted within two months of the mailing date of the final office action. Should further extension or any other fee be occasioned by this paper, the Office is authorized to charge our Deposit Account No. 20-0531.

Respectfully submitted,

Date: April 7, 2004  
Reg. No. 33,497

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